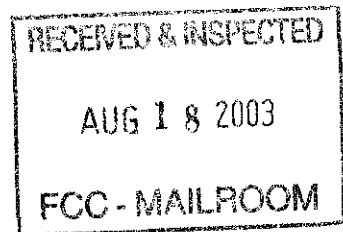


EX PARTE OR LATE FILED



MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.  
1600 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
(202) 293-1966  
FAX: (202) 293-7674



ORIGINAL

FRITZ E. ATTAWAY  
EXECUTIVE VP GOVERNMENT RELATIONS  
WASHINGTON GENERAL COUNSEL

August 13, 2003

Ms. Marlene H. Dortch  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

RE: *Ex Parte* Presentations in CS Docket No. 97-80 (Implementation of Section 304 of the Telecommunications Act of 1996; Commercial availability of Navigation Devices); PP Docket No. 00-67 (Compatibility Between Cable Systems and Consumer Electronics Equipment); and MB Docket No. 02-230 (Digital Broadcast Copy Protection)

Dear Ms. Dortch:

This is to notify the office of the Secretary that on August 12, 2003, Fritz Attaway of the Motion Picture Association of America, accompanied by Paul Heimbach and Anne Lucey of Viacom Inc., Richard Bates and Troy Dow of The Walt Disney Company, and Linda Bloss-Baum of Vivendi Universal Entertainment, held a series of *ex parte* meetings with the below listed FCC Commissioners and staff members:

Commissioner Kathy Abernathy  
Stacy Robinson

Johanna Mikes, Office of Commissioner Adelstein

Paul Gallant, Office of Chairman Powell

Kenneth Ferree, Media Bureau  
Rick Chessen  
Tom Horan  
Susan Mort  
Deborah Klein  
Mary Beth Murphy  
Steven Broeckaert  
Michael Lance

No. of Copies rec'd 0  
List ABOVE

Allison Greenwald  
John Wong

The meeting covered material submitted to the FCC in the Joint Comments of the Motion Picture Association of America, et al. on March 28, 2003, and Reply Comments on April 28, 2003, in CS Docket No. 97-80 and PP Docket No. 00-67, and in Joint Comments on December 6, 2002, and Reply Comments on February 20, 2003, in MB Docket No. 02-230.

The *ex parte* presentations focused on the following points:

- Adoption of a "Plug & Play" regulatory scheme should be based on multi-industry negotiations where all interested parties are provided an opportunity to participate.
- Subpart W is not necessary to achieve interoperability of cable interface devices.
- Subpart W issues should be resolved by marketplace negotiations among content owners, distributors and ultimately users.
- Subpart W forecloses new business models by imposing regulated, mandated content usage rules.
- Content providers and other interested parties should have an opportunity to participate in an open process to select new, protected outputs and de-certify previously protected outputs that have been compromised.
- Subpart W perpetuates the analog hole and discourages a complete transition from analog to digital.
- The same product cycle concern that supports prompt action on Plug & Play requires prompt action on Broadcast Flag. The first generation of Plug & Play receivers should not be rolled out without the broadcast flag technology.

In addition, the attached document, "'Napster-ization' Threat of Video Content Growing," was handed out to some of the meeting participants.

In accordance with Section 1.1206 of the Federal Communications Commission rules, this original and one copy are provided to your office. A copy of this notice is being delivered to the parties mentioned above.

Sincerely,

A handwritten signature in black ink, appearing to read "Trip F. Attaway". The signature is fluid and cursive, with a large loop at the end.